

P-05-1093 Environmental and Wildlife Enforcement Service

Y Pwyllgor Deisebau | 26 Ionawr 2021
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Reference: RS20/14886-8

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Petition title: Establish a Wales wide Environmental and Wildlife Enforcement Service to tackle environmental crime

Text of petition:

Following the appalling scenes of littering, fly tipping and wildlife crime during and following the easing of the Covid-19 lockdown, we call on the Welsh Government to create a Wales wide Environmental and Wildlife Enforcement Agency whose aim would be to tackle environmental crimes such as littering, dog fouling, fly-tipping and the illegal poisoning and shooting of wildlife.

These officers need to be funded and accountable to the public sector via a tax on single use plastics and fines.

This petition for action has been jointly launched by Barry Action for Nature and Friends of Barry Beaches, who are two Barry based voluntary environmental groups, whose aims are to create a safer environment for both people and wildlife.

They strongly believe that education must be behind the main thrust to tackle the growing menace of environmental and wildlife crime but also



realise that some form of enforcement is urgently needed. We cannot rely on individual cash strapped local authorities to deliver this vital service by themselves. This force needs to be consistent throughout Wales and would demonstrate the growing public concern about environmental and wildlife crime.

We should not have to rely on private companies to provide this service whose core objective is profit.

Fixed penalties or stronger sanction can provide effective enforcement against this growing problem and act as a deterrent. We believe that the Welsh population would welcome strong and effective enforcement.

1. Background

1.1. Littering and fly tipping

Under Section 89 of the *Environmental Protection Act 1990* (EPA 1990), local authorities have a statutory duty to ensure (as far as is practicable) that their land is kept clear of litter and refuse, and that public roads for which they are responsible are kept clean. This duty also extends to other bodies, including transport operators, Crown Authorities and educational institutions.

How the bodies comply with the duty is set out in the Code of Practice on Litter and Refuse (CoPLAR). The first CoPLAR was published in January 1991 by the Secretary of State under Section 89(7) of the EPA 1990. The code was revised in June 1999 by the Department for Environment, Transport and the Regions. The first two versions were both applicable to England, Scotland and Wales. The latest edition (March 2006 which was updated in September 2019) applies to England only.

The Research Service has been unable to find a version of CoPLAR on the Welsh Government website.

Under the EPA 1990, both littering and fly tipping (sections 87 and 33 respectively) are criminal offences. This means that local authorities and Natural Resources Wales (NRW) can undertake a range of enforcement actions to deal with those

who have committed an offence. This includes issuing fixed penalties and taking them to court if the matter is deemed severe enough, or is a repeat offence.

In 2015 the Welsh Government published its [Fly Tipping Strategy](#). The strategy is based on 4 strategic areas to reduce fly-tipping:

- Education: ensuring the effects of fly-tipping are understood and considered socially unacceptable;
- Enabling: helping local authorities, partner organisations and the public to reduce fly-tipping;
- Evidence: identifying what influences fly-tipping and the areas and communities most affected; and
- Enforcement: helping enforcement authorities to identify and punish anyone who fly-tips.

1.2. Wildlife crime

Wildlife crime includes offences such as poaching, killing or disturbing protected species or damaging their breeding and resting places, and illegally trading in endangered species. The [Wales Wildlife and Rural Crime Group](#) investigates and prevents rural and wildlife crime.

The National Police Chiefs' Council sets out how they police wildlife and rural crime:

- [Rural Affairs Strategy and Wildlife 2018-2021](#); and
- [Wildlife Crime Policing Strategy 2018-2021](#)

The three Welsh Police forces also police these crimes:

- [Dyfed Powys Police: Rural Crime strategy](#);
- [North Wales Police: rural crime team](#); and
- [Gwent Police: rural crime team](#).

In 2017 the Welsh Government funded 'A Review of the Prevention and Investigation of Wildlife Crime in Wales'. The Review was undertaken by the National Wildlife Crime Unit and included 21 recommendations. The review is not publicly available.

2. Welsh Government action

The Minister's letter to the Committee sets out the action the Welsh Government has taken to address fly tipping, littering and wildlife crime. It states:

The Welsh Government is committed to dealing robustly with environmental crimes. These anti-social activities are unacceptable and there is no excuse for this type of behaviour. Whilst these problems are not exclusive to Wales, I am determined we become not only a cleaner nation but also an exemplar nation. Our ambition is for Wales free of litter and fly-tipping, and for our natural habitats and rich wildlife to be protected and preserved.

In relation to litter and fly tipping the Minister states the Welsh Government is:

- Developing a new litter and fly tipping prevention plan, which will be published for consultation in January 2021;
- Aiming for enforcement activity to be applied consistently and fairly across Wales;
- Continuing to support **Fly Tipping Action Wales** (FtAW), an initiative co-ordinated by NRW to deliver communication campaigns, community engagement and sharing best practice. As part of the development of the new litter and fly tipping plan the Welsh Government intends to review FtAW programme, and explore potential strengthening of the current enforcement support it provides to local authorities;
- Reviewing existing enforcement capabilities and the current fixed penalty amounts available for littering offences, and considering increasing levels if needed; and
- Gathering evidence on current prosecution outcomes for fly tipping offences to determine whether further changes to sentencing guidelines are needed.

In relation to wildlife crime, her letter states there is well-established partnership working between the Welsh Government, NRW, the Police, Fire Service, Government Agency Intelligence Network and the Crown Prosecution Service. She says this plays a fundamental role in the prevention, detection and investigation of offences and enforcement of the law. She also outlines that her officials work closely with the four Welsh police forces, NRW and other enforcement bodies through the Wales Wildlife and Rural Crime Group. The group identifies regional wildlife and rural crime priorities, and ensures Welsh interests are represented at a UK level. She says:

There are currently three police officers in Wales seconded to NRW and embedded in the Rural Crime Teams in North Wales, Dyfed-Powys and Gwent Force areas. We will continue to support NRW's collaboration with Welsh police forces through continued funding of the seconded police officers who are essential to the delivery of this work. We are also directly responsible for the Wildlife Incident Investigation Scheme in Wales which investigates and provides analysis services for wildlife, companion animals and honey bees suspected of being poisoned by pesticides.

3. Welsh Parliament action

The Committee has considered a number of related petitions including:

- [P-05-852](#) Introduce a "Licence to manage land for game bird shooting" in an attempt to end raptor persecution;
- [P-05-1071](#) Print the vehicle registration on all drive through fast food packaging; and
- [P-05-803](#) Our natural world is being poisoned by single use plastics...it's time to introduce a tax!

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